

### **REMARKS**

In the non-final Office Action dated March 25, 2008, it is noted that claims 1 – 20 are pending; that claim 13 is objected to; that claim 12 stands rejected under 35 U.S.C. §112; that claims 1, 3 – 8, 14 – 17, 19 and 20 are rejected under 35 U.S.C. 102; and that claims 2, 9 – 11 and 18 stand rejected under 35 U.S.C. §103.

In the present amendment, claims 2, 10 – 13, and 18 have been cancelled without prejudice, and claims 1 and 17 have been amended to more clearly and distinctly claim the subject matter that Applicant regards as his invention. No new matter has been added.

### **Allowable Subject Matter**

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the present amendment, claims 12 and 13 has been cancelled without prejudice, and independent claim 1 has been rewritten to include the limitations of claims 12 and 13. The objection to claim 13 is obviated.

Applicant submits that amended claim 1 is in condition for allowance, and the allowance of claim 1 is earnestly requested

### **Rejections under 35 U.S.C. §112**

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, claim 1 has been amended to include the limitations of claims 12 and 13. It is believed that claim 1 now fully complies with 35 USC 112, and withdrawal of the rejection is respectfully requested.

### **Rejections under 35 U.S.C. §102**

Claims 1, 3 – 8, 14 – 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oda et al. (Oda – US 2003/0063234).

The Office Action indicates that dependent claim 13 is not anticipated by any cited references and, is therefore, allowable. Applicant submits that amended claim 1 now contains all the limitations of claim 13, therefore claim 1 should likewise be allowable. Independent claim 17 should also be patentable because it contains many similar distinguishing features as in claim 1. Claims 3 – 8, 14 – 16, 19 and 20 are believed to be patentable because they respectively depend from claims 1 and 17, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 1, 3 – 8, 14 – 17, 19 and 20 under 35 U.S.C. 102(b) is respectfully requested.

### **Rejections under 35 U.S.C. §103**

Claims 2, 9 – 11, 18 and insofar as definite, 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda, cited above as applied to claims 1 above, and further in view of Baba (JP 2001 – 066547, of record).

Applicant submits that Baba does not bridge the feature gap between Oda and claim 1, and therefore, claim 9 is also patentable because it depends from claim 1, and contains further distinguishing features.

Claims 2, 10 – 12 and 18 have been cancelled. The rejection of claims 2, 9 – 12, 18 under 35 U.S.C. 103(a) is therefore obviated.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

By: /Brian S. Myers/  
Brian S. Myers  
Registration No.: 46,947  
For: Larry Liberchuk  
Registration No.: 40,352

**Please Address All Correspondence to:**  
Larry Liberchuk, Registration No. 40,352  
Phone: (914) 333-9620  
CUSTOMER NUMBER 24737